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/Martin J. Miller/
Martin J. Miller

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Anders Johansson et al. : Conf. No.: 2304
Serial No.: 10/587,490 : Group Art Unit: 3768
Filing Date: October 4, 2006 : Examiner: Brutus, Joel F.

For: **AN ARRANGEMENT AND METHOD FOR ASSESSING TISSUE QUALITIES**

**REQUEST FOR REFUND OF AUTHORIZED CHARGE TO DEPOSIT ACCOUNT FOR
DEFICIENCY PAYMENT PURSUANT TO 37 CFR 1.28(C)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On January 24, 2012, Applicant submitted a deficiency payment due to a loss of small entity status. That submission included authorization to charge \$465, as well as any additional fees required for that communication, to Deposit Account No. 503915. The undersigned believes that this deficiency payment was not required, and therefore requests a refund of any amounts charged to the above Deposit Account pertaining to the deficiency payment request of January 24, 2012.

Small entity status was properly established, in good faith for this application. Pursuant to 37 CFR 1.28(d), "[o]nce status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due." Therefore, no

deficiency payment is due if small entity status changes during prosecution. For this reason, Applicant's submission on January 24, 2012 was in error. To the extent that any deficiency payment or other fees have been charged to Deposit Account 503915, the undersigned requests a refund of those fees to the same Deposit Account. Please contact the undersigned if there are any questions or if additional information is needed.

Respectfully submitted,

/Martin J. Miller/

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